IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1027 (S/S) 2006

Ram Kishore Saxena S/o Sri Hukum Chand Saxena,
R/o village Kuan Danda, P.O. Tilhar,
District Shahjahanpur,
Presently Posted as Head Constable No. 60,
Police Station Kotwali, Rudrapur,
District Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttarakhand through Secretary,
   Civil Secretary Home, Civil Secretariat,
   Uttarakhand, Dehradun,
2. Deputy Inspector General of Police,
   Police Headquarter, Allahabad,
3. Senior Superintendent of Police,
   District Udham Singh Nagar. .....Respondents.

Sri S.K. Mandal, learned counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for State of Uttarakhand/respondent no. 1 & 3,
None is for respondent no.2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Mandal, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State of Uttarakhand/ respondent nos. 1 & 3. Notice was accepted by learned Addl. Chief Standing Counsel State of U.P./ respondent no. 2, however none is present on their behalf.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

(a) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to give promotion to the petitioner on the post of Sub Inspector with all consequential benefits

from the date when the juniors to him have been promoted,

(b) Issue a writ, order or direction directing and commanding the respondents to give arrear of salary,

(c) Issue a suitable writ, order or direction, which this Hon'ble Court may be deem fit and proper in the circumstances of the case,

(d) Award the cost of the petition.

The stand of the petitioner is that he is working as Head Constable in the Civil Police under the control of respondent no. 3. Initially he was appointed in U.P. Police on 02.02.1976. It is submitted that the petitioner had opted for State of U.P., however he has not been relieved by the State of Uttarakhand. The juniors to the petitioner were considered by the respondents for promotion to the post of Sub Inspector (Special Category). But since at that time a Departmental Inquiry was pending against the petitioner, therefore he was not considered for promotion to the post of Sub Inspector. Now the Departmental Inquiry has been concluded with the result the petitioner has been exonerated from the charges leveled against him. In spite of this fact, he has not been promoted to the post of Sub Inspector. In this respect the petitioner has made representation, which was recommended by the Senior Superintendent of Police, Udham Singh Nagar vide its letter dated 24th May 2006. The recommendation was sent to Dy. Inspector General of Police (Karmik) U.P. Police Headquarter, Allahabad.

The state of Uttarakhand has filed a counter affidavit. In para-3 (c) of the counter affidavit, it is stated that after the exoneration of the petitioner from the inquiry, the

representation of the petitioner for promotion has been sent to the U.P. Police Headquarter for necessary action by answering respondents vide its letter dated 24.05.2006 which was served in the office of the respondent no. 2 on 29.05.2006.

In these circumstances, I deem it fit and proper to direct the respondent no. 2 to take decision on the representation of the petitioner, which has been forwarded by the Senior Superintendent of Police, Udham Singh Nagar vide letter dated 24.05.2006, and pass appropriate orders within a period of three months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

February 27,2007:
NCM: